

PROB 12A
(7/93)

**United States District Court
for
Middle District of Alabama**

Report on Offender Under Supervision

Name of Offender: KELLEY, Matthew Leo

Case Number: 2:05CR00122-MHT

Name of Sentencing Judicial Officer: Honorable Myron H. Thompson, United States District Judge

Date of Original Sentence: January 26, 2006; Probation revoked on June 6, 2006.

Original Offense: Possession of Marijuana; 21 U.S.C. § 844(a)

Original Sentence: 18 month term of probation; Probation revoked June 6, 2006: Four (4) months custody imposed, followed by a 12 month term of supervised release.

Type of Supervision: Supervised Release

Date Supervision Commenced: January 9, 2007

NONCOMPLIANCE SUMMARY AND ORDER

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|-----------|--|
| 1. | Violation of Mandatory Condition of Supervised Release which states, "The defendant shall refrain from any unlawful use of a controlled substance." |
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On March 14, 2007, an instant drug test was obtained from Kelley, observed by U. S. Probation Officer Brad Brockett. The test results indicated a presumptive positive for methamphetamine. Kelly denied the use of methamphetamine and was unable to submit a sufficient amount of urine to forward to Scientific Testing Laboratories. Kelley was instructed to report to the probation office on the following day for a subsequent drug test, however, he failed to report as instructed.

U. S. Probation Officer Recommendation:

No punitive action is recommended at this time. On March 29, 2007, Kelley reported to the probation office and an instant drug test was conducted. The drug test was negative for illegal drugs. Kelley was reprimanded for failing to report as instructed, and advised that he could face punitive sanctions for failing to follow instructions. It should be noted that Kelley was ordered to complete a six (6) months residential drug treatment program at the Aletheia House located in Birmingham, Alabama. Placement was delayed due to an injury to his left leg and knee. Kelley will be placed into the drug treatment program as soon as he is physically able. The probation officer has increased drug testing, and will monitor Kelley's recovery, and subsequent placement into the drug treatment facility.

If the Court desires a different course of action, please advise.

Respectfully submitted,

/s/ Brad Brockett

Brad Brockett, United States Probation Officer

Date: March 30, 2007

Reviewed & Approved:

/s/ Robert A. Pitcher

Robert A. Pitcher, Senior U.S. Probation Officer/OIC

The Court directs that additional action be taken as follows:

- ☐ Concur with Recommendation
- ☐ Submit a Request for Warrant
- ☐ Submit a Request for Summons
- ☒ Other : It is ORDERED that this non-compliance summary is set for an evidentiary hearing on August 13, 2007, at 10:00 a.m. in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama. The court is concerned that, if the allegations in the above summary are true, defendant Matthew Leo Kelley can continue to be free pending beginning his six-month residential-drug-treatment program at the Aletheia House located in Birmingham, Alabama.

/s/ Myron H. Thompson
Signature of Judicial Officer

August 7, 2007
Date